

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

VAN A. LUPO,	)	
Plaintiff	)	
	)	
v.	)	C.A. Number 04-40202-FDS
	)	
BANK of AMERICA,	)	
and	)	
SHERYL LUPO	)	
Defendants	)	

**MOTION of PLAINTIFF VAN A. LUPO TO AMEND PLEADINGS TO ADD AMENDED  
AND SUPPLEMENTAL COUNTS AGAINST  
DEFENDANT BANK OF AMERICA**

NOW COMES the Plaintiff in the above titled matter and respectfully requests leave from this Honorable Court to allow the Plaintiff to Amend his Pleadings to add amended and supplemental counts against the defendant Bank of America. In support of this motion the Plaintiff states as follows:

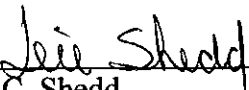
1. Under Fed.R.Civ.P. Rule 15(a), a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.
2. The Plaintiff, through a recent credit report of the Plaintiff's, through investigation and discovery produced by Defendant Bank of America and has recently become aware that Defendant, Bank of America violated the Fair Credit Reporting Act and specifically, 15 U.S.C. §1681s-2(b)(1) and the Massachusetts version of said statute namely M.G.L. c. 93 §54A, §63, §64 and §68.

3. A Memorandum in Support of this Motion and a Proposed Amended Complaint are attached herein.

Thus, in the interest of justice the Plaintiff respectfully requests that this Honorable Court grant Plaintiff's Motion to Amend his Pleadings to Add Amended and Supplemental Counts Against the Defendant Bank of America..

Respectfully Submitted,

Van A. Lupo  
By his Counsel

  
Jill C. Shedd  
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